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JUL 09 2004

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**To: U.S. Patent and Trademark Office**  
**MS RCE**

**Facsimile: 703.872.9306****From: David L. Devernoe – 50,128****Date: July 9, 2004**

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**Comments:**

Attorney Docket: 564462000801

Group Art Unit: 1652

Examiner: R. Prouty

Serial No.: 09/382,242

Filing Date: August 24, 1999

Inventor(s): Dan E. ROBERTSON et al.

Title: ESTERASES

**Papers attached:**

1. Request for Continued Examination (1 page);
2. Fee Transmittal (1 page + duplicate);
3. Request for Extension of Time Under 37 CFR 1.136(a) (1 page);
4. Amendment (17 pages);
5. Exhibit A, attached to the Amendment (3 pages).

sd-208401

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. QMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>Request For Continued Examination (RCE) Transmittal</b>  Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Application Number</b>	09/382,242
	<b>Filing Date</b>	August 24, 1999
	<b>First Named Inventor</b>	Dan E. ROBERTSON
	<b>Art Unit</b>	1652
	<b>Examiner Name</b>	R. Prouty
	<b>Attorney Docket No.</b>	564462000801

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply (17 pages)
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☒ Other Fee Transmittal (1 page + duplicate), Petition for Extension of Time (1 page), Exhibit A, attached to the Amendment (3 pages), Fax Cover Sheet
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Additional claims fee
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	David L. Devenoe	Registration No. (Attorney/Agent)	50,128
Signature		Date	July 9, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, MS RCE, facsimile no. (703) 872-9306, on the date shown below.

Dated: July 9, 2004

Signature:  (Cecilia Huerta)

PTO/SB/17 (10-03)

Approved for use through 7/31/2008. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

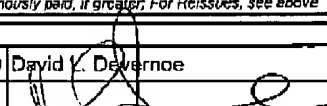
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<i>Effective 10/01/2003, Patent fees are subject to annual revision.</i>		Application Number	09/382,242
		Filing Date	August 24, 1999
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<b>TOTAL AMOUNT OF PAYMENT (\$)</b> 1,211.00			

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																																		
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	<b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>820*</td><td>1804</td><td>820*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td>740.00</td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	820*	1804	820*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month	740.00	1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1480	130	1480	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(a)		1808	180	1808	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)	385.00	1802	900	1802	900	Request for expedited examination of a design application	
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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	David L. Devernoe	Registration No. (Attorney/Agent)	50,128
Signature		Telephone	(858) 720-7943
		Date	July 9, 2004

sd-208391

PTO/SB/17 (10-03)

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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	David Devenoe	Registration No. (Attorney/Agent)	50,128
Signature		Telephone	(858) 720-7943
		Date	July 9, 2004

**Duplicate Copy  
For Fee Processing**

sd-208391

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, MS RCE, facsimile no. (703) 872-9306, on the date shown below.

Dated: July 9, 2004

Signature: 

(Cecilia Huerta)

Docket No.: 564462000801  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Dan E. ROBERTSON et al.

Application No.: 09/382,242

Filed: August 24, 1999

For: ESTERASES

Confirmation No.: 4972

Art Unit: 1652

Examiner: R. Prouty

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AMENDMENT UNDER 35 U.S.C. SEC. 1.114MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Advisory Action of May 14, 2004, and further responsive to the Final Office Action mailed September 29, 2003, Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein.

This Response and Amendment is being filed herewith further to a Request for Continued Examination under 37 C.F.R. § 1.114 based on U.S. Application No. 09/382,242, filed August 22, 1999. A Notice of Appeal was mailed January 29, 2004, and the USPTO received the Notice of Appeal on February 2, 2004, as indicated by stamped return postcard. As the initial period for reply was April 2, 2004, a petition for an extension of time of four (4) months to August 2, 2004, is required. Reconsideration is respectfully requested.

This response is accompanied by a request for continued examination (RCE) under 37 C.F.R. §1.114. Thus, the finality of the outstanding final office action will be withdrawn and Applicants are entitled to have this first submission for this RCE entered and considered on the merits.

sd-208347

Application No.: 09/382,242

2

Docket No.: 564462000801

Amendment to the claims are reflected in the listing of claims which begin on page 3 of this paper.

Remarks begin on page 9 of this paper.

The following documents are also enclosed herewith:

- Transmittal letter, Fee Transmittal, facsimile cover sheet;
- Petition for an extension of time;
- Request for Continued Examination under 37 C.F.R. § 1.114;
- Exhibit A, Example 9 of the Written Description Guidelines.

sd-208347